E/S Margarette Avenue, 660.97' N of the c/l of Stags Head Road (1309 Margarette Avenue) 9th Election District

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY 4th Councilmanic District * Case No. 91-284-A

* * * * * * * * * *

Stuart Edelberg, et ux Petitioners

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 17.6 feet in lieu of the minimum required 40 feet for a proposed addition, and to permit an existing accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Petitioners indicated the pool was in its present location at the time of their purchase of the property. Based upon the evidence submitted, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship for Petitioners.

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That based upon personal knowledge, the following are the facts upon which I/we base the request for

This location of the addition is constrained by the existing swimming pool

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

AFFIANT (Handwritten Signature)

Hy Commission Expires: My Commission Expires, February 1, 1995

Cynthia Edelberg

AFFIANT (Printed Name)

WAS NEIZE

04TE [2-16-7]

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the Affiant(s) does/do presently or upon settlement will reside at ______

for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. Adjoin the central living areas at the southern end of the

2. Overlook the scenic view of the ponds to the southwest.

and large pond in the southeast corner of the property. The swimming pool existed at the time of purchase.

reposting and advertising fee and may be required to provide additional information.

Strart Edelberg + Cynthia Edelberg

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made

oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best

1309 Margarette Avenue, Towson, MD 21204

The proposed addition should preferably:

STATE OF MARYLAND, COUNTY OF BALFINORE, to wit:

,ele

of his/her/Their knowledge and belief.

AS WITNESS my band and Notarial Seal.

AFFIANT (Mandwritten Signature)

Stuart Edelberg

AFFIANT (Printed Name)

Baltimore County, as follows:

regard thereto.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of February, 1991 that the Petition for Residential Variance to permit a rear yard setback of 17.6 feet in lieu of the minimum required 40 feet for a proposed addition, and to permit an existing accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however. Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with the requirements set forth in the Department of Environmental Protection and Resource Management comments dated January 13, 1991, attached hereto and made a part hereof.

3) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> Deputy Zoning Commissioner for Baltimore County

L. G. WOLFF ASSOCIATES, INC. Surveyors, Engineers Landscape Architects 10 W. Pennsylvania Avenue Bel Air, Maryland 21014 (301) 838-0888

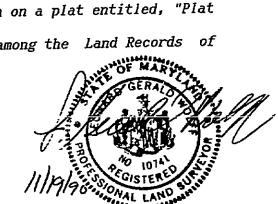
November 19, 1990 91-284-A

PARTICULAR DESCRIPTION OF LOT 1, BLOCK 'H', PLAT NO. 3, SECTION C, HAMPTON, NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING at the intersection of the centerline of Stags Head Road and Margarette Avenue and running to the point of beginning N 45°58'14" E 660.97 feet to a pipe heretofore set at the Northwesterly most corner of Lot 1, Block 'H', shown on a plat entitled, "Plat No. 3, Section C, Hampton", dated March 20, 1959 and recorded among the Land Records of Baltimore County, Maryland, in Plat Book WJR 26, Folio 91, running thence and binding on the outside of the said lot as now surveyed the three following courses and distances viz: (1) S 67°47'10" E 392.04 feet to an iron bar now set, (2) N 03° 54'10" E 299.72 feet to a stone monument heretofore planted, (3) N 81° 12'00" W 354.31 feet to a pipe heretofore set on the Easterly side of Margarette Avenue, thence still with the outline of the said lot and running and binding on the Easterly side of the said Margarette Avenue the two fcllowing courses and distances viz: (4) S 02°53'17" W 72.41 feet, (5) by a curve to the right with a radius of 405.00 feet for an arc distance of 136.60 feet, said arc being subtended by a chord with a bearing of \$ 12°33'23" W for a chord distance of 135.95 to the point of beginning.

CONTAINING 2.0941 acres of land, more or less.

BEING known and designated as Lot 1, Block 'H', shown on a plat entitled, "Plat No. 3, Section C, Hampton", said plat being recorded among the Land Records of Baltimore County, Maryland, in Plat Book WJR 26, Folio 91.



-Baltimore County Government Zoning Commissioner Office of Planning and Zoning

February 20, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. & Mrs. Stuart Edelberg 1309 Margarette Avenue

RE: PETITION FOR RESIDENTIAL VARIANCE E/S Margarette Avenue, 660.97' N of the c/l of Stags Head Road (1309 Margarette Avenue) 9th Election District - 4th Councilmanic District Stuart Edelberg, et ux - Petitioners Case No. 91-284-A

Dear Mr. & Mrs. Edelberg:

Towson, Maryland 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, _MNStangen

cc: People's Counsel

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 91-284-4 Petitioner: 5/40xt Edelborg +tur Location of property: Als MERG are De Are, 66497 N/stags hoad Rd 1308 Margore the Ara Location of Signe Focing Morgon Ho An opproye 15' Fr



fqieen

1/18/91 PUBLIC HEARING FEES 010 -ZONING VARIANCE (IEL)

080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$60.00 LAST NAME OF CWNER: EDELSERG

Please Make Checks Payable To: Baltimore County

TO THE ZONING COMMISSIONER OF BALTIHORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1B02.3.B. (205.4). 400.1 To allow a rear vard setback of 17 feet, 6 inches in lieu of the

minimum required 40 feet for a proposed addition and to allow an accessory structure (pool) to

be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baitimore County, to the Zoning Law of Baitimore County, for the following reason: (indicate hardship or practical difficulty), The proposed addition should preferably:

1. Adjoin the central living areas at the southern end of the existing dwelling. 2. Overlook the scenic view of the ponds to the southwest.

This location of the addition is constrained by the existing swimming pool and large pond in the southeast corner of the property. The swimming pool existed at the time of purchase. Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): (Type or Print Name) 1309 Margarette Avenue 321-6221 Towson, MD 21204 City/State/Lip Code Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Mark H. Beck, AIA, Beck, Powell & Parsons, Ind. 2204 Maryland Ave., Balt., MD 235-9500 DIDERED by the Zoning Commissioner of Baltimore County, this $18^{\frac{11}{12}}$ day of $\frac{\sqrt{3}}{\sqrt{3}}$, that the subject matter of this potition be posted on the property on or before the $\frac{3}{\sqrt{3}}$ day of $\frac{\sqrt{3}}{\sqrt{3}}$, $\frac{9}{\sqrt{3}}$.

ZUNING COPPLISSIONER OF BALTIFORE COUNTY

A PLUELIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FURITER CROCERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 10___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County

in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, at _____ o'clock.

Baltimore County

County Office Building

111 West Chesapeake Avenue

Zoning Commisioner

Contract Purchaser:

(Type or Print Name)

Attorney for Petitioners

(Type or Print Name)

Elty/State/ilp Code

ZONING COMMISSIONER OF BALTIMONE COUNTY

Beck, Powell & Farsons INC. FOR Administrative Zoning Variance

Edelberg Property 1309 Morgarette Ave. \$ 35 00 filing for \$ 60.00

94A04H0035HICHRD

Please Make Checks Payable To: Baltimore County 09:21AY01-11-91

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

District: 9

January 13, 1991

Mr. & Mrs. Stuart Edelberg 1309 Margarette Avenue Towson, MD 21204

> RE: Item No. 284, Case No. 91-284-A Petitioner: Stuart Edelberg, et ux Petition for Residential Variance

Dear Mr. & Mrs. Edelberg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

JAMES E. DYER Zoning Plans Advisory Committee

Enclosures

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building

Towson, Maryland 21204 Zoning Item # 284, Zoning Advisory Committee Meeting of _____ Property Owner:

Sewage Disposal: Drivak COMMENTS ARE AS FOLLOWS: () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins. () A permit to construct from the Bureau of Quality Management is required for such items as spray paint

A permit to construct from the bureau of quarity ramagement to required for such feels as spray partic processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation

which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Ruilding Permit Application for renovations to existing or construction of new rrior to approvat of a ruffulng refine application for removations to existing of construction of health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for

() Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, review and approval. saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations

For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

. () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandorment, owner must contact the Division of Waste Management at 887-3745.

() Soil percolation tests, have been ____, must be ____, conducted. () The results are valid until

() Soil percolation test results have expired. Petitioner should contact the Division of Water

and Sewer to determine whether additional tests are required. (). Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore

County Standards must be drilled. () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test

() shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-

logical and chemical water samples. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the

subdivision process, please contact the Land Development Section at 887-2762. Pool and for addition must be located at leas 40 ft from the septic system and reserve area serving.
This property. The septic system must be handle any dditional wastewaser (ifany)

___NANACEMENT___

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: February 11, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

> Charles Leonard Thomas, Item No. 280 Cynthia Edelberg, Item No. 284 Trustees of Middle River Baptist Church, Item No. 288 Diamond Point Plaza Ltd. Partnership, Item No. 287 Chuong Vinh, Item No. 291 Fauver Properties, Item No. 293 Robert Harvey, Item No. 303

In reference to the petitioners' request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PALTIMORE COUNTY, HARYLAND

INTEROFFICE COFFESPONDENCE

FROM: Robert W. Bowling, P.E.

are still appliable.

RWE:S

RE: Zoning Advisory Committee Meeting

Items 278, 279, 280, 284, 285, 286 and 287.

for January 29, 1991

TO: Zoning Advisory Committee DATE: February 4, 1991

The Developers Engineering Division has reviewed

For Items 232, the previous County Review Group Comments

Dayatopers Engineering Fiv/sion

For Item 200, this gits must be submitted through the

the subject soning items and we have no comments for

minor subdivicion researce in previou and comments.

PK/JL/cmm

ITEMS.VAR/ZAC1

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 4th day of January, 1990.

ZONING COMMISSIONER

Received By:

Petitioner: Stuart Edelberg, et ux Petitioner's Attorney:

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

JANUARY 28, 1991

Baltimore County Government

Fire Department

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: STUART EDELBERG

#1309 MARGARETTE AVENUE Location:

Item No.: 284 Zoning Agenda: JANUARY 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

JK/KEK



ITEM # 284

Before the above petition can be accepted for filing, the following items must be corrected/included: Section information has been typed in. Please check and return to

_____ Item number must be on all papers in the file folder.

Item number must be in ink (pencil does not copy well). Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.

Section information missing on petition forms. Not "original" signatures on all copies of petition forms.

Owner's name address and/or telephone number is not on petition forms. ileed signature and/or printed name and/or title of person signing for

Need an attorney.

"Red stamp" or closing information is not on petition form.

Following information is missing on the file folder: Petitioner's name Item number

Actual address zoning acreage election district

Description

councilmanic district Need 12 plats. Only ____ in folder.

Plats need to be folded to 8-1/2" x 11". There is a difference in date between date taken in and date put in

drawer for agenda. Put a note in the folder explaining this.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue

887-3353

Stuart and Cynthia Edelberg 1309 Margarette Avenue Towson, Maryland 21204

Towson, MD 21204

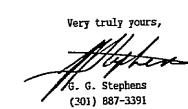
LOCATION: E/S Margarette Avenue, 660.97' N c/l Stagshead Road 1309 Margarette Avenue

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

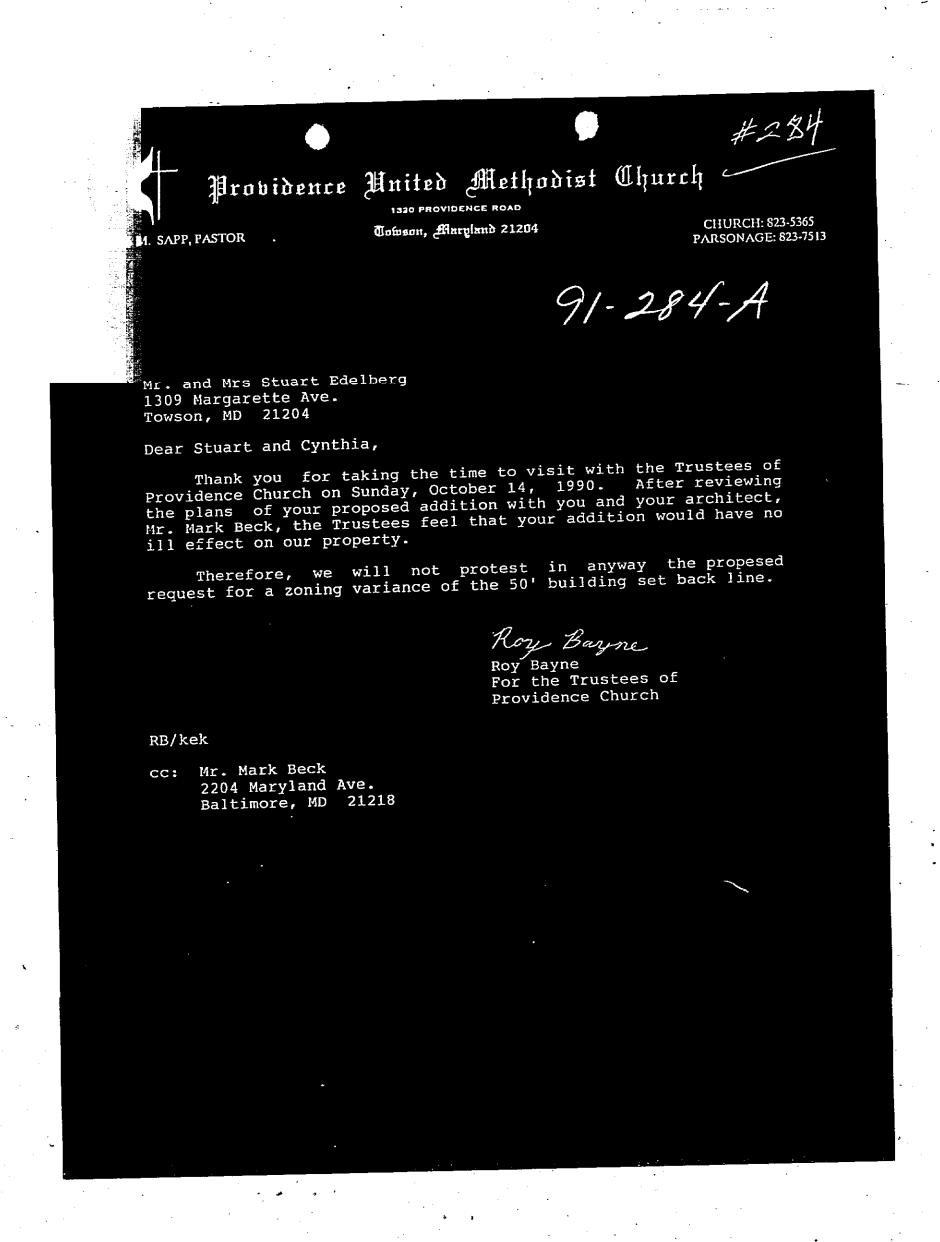
1) Your property will be posted on or before January 30, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is February 14, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

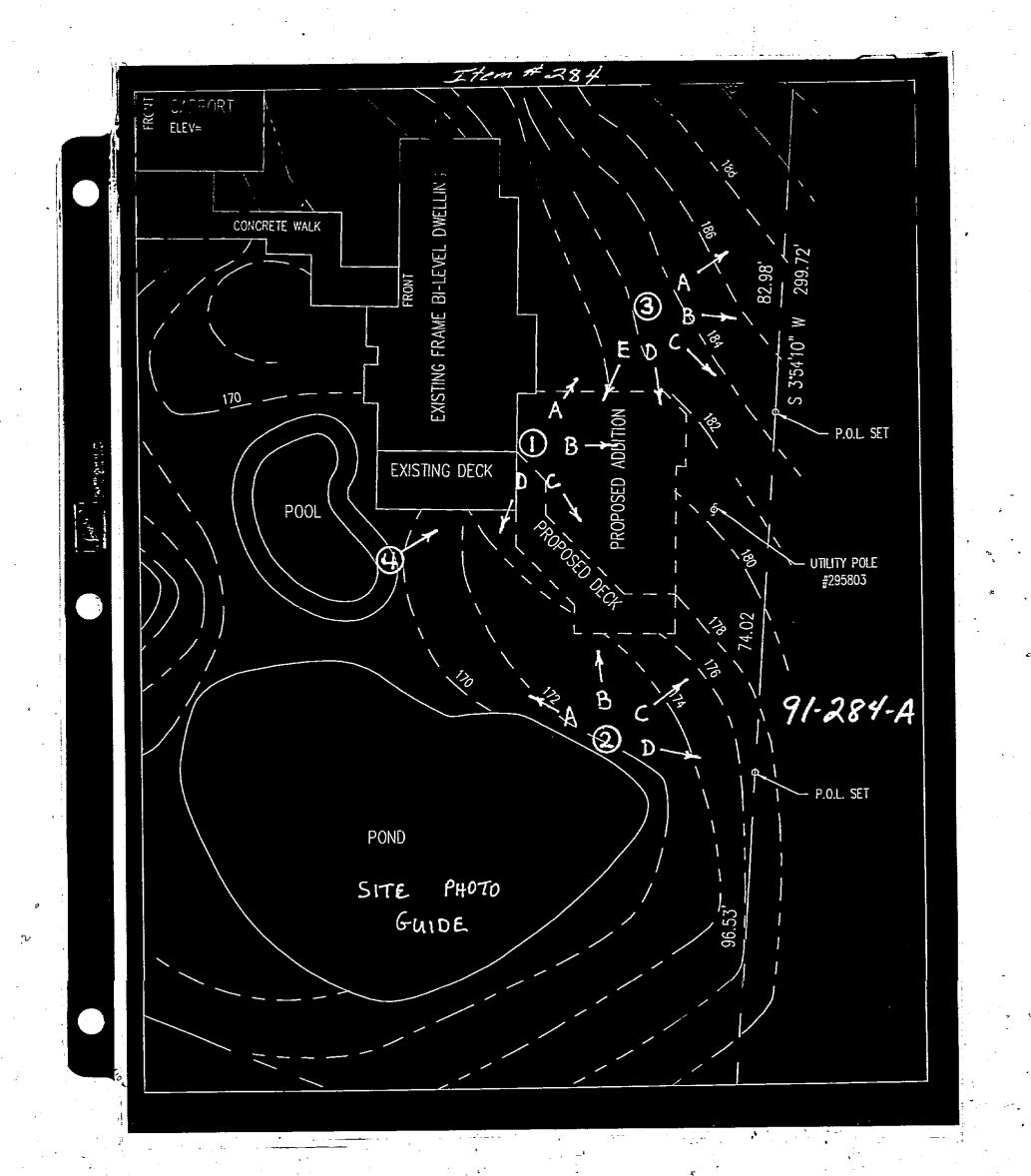
Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

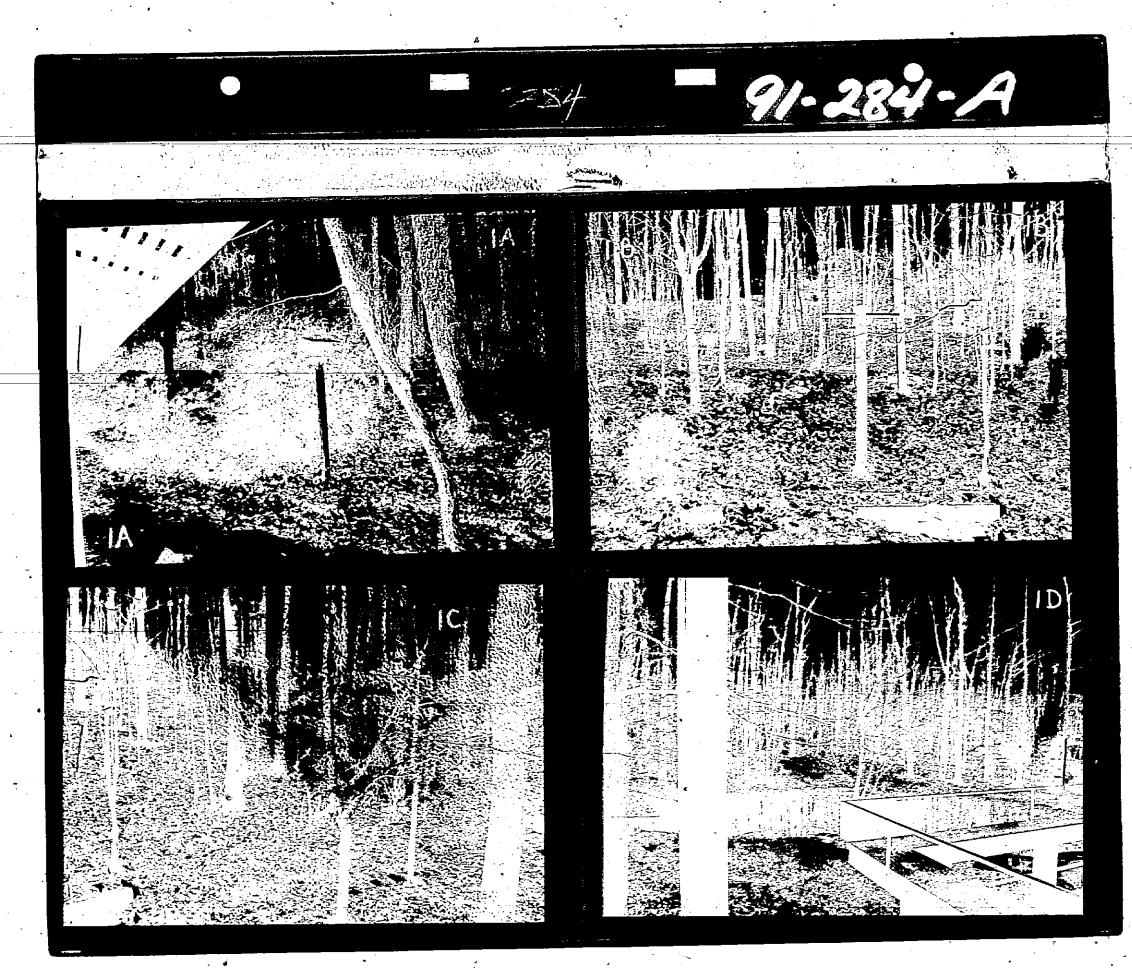
> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

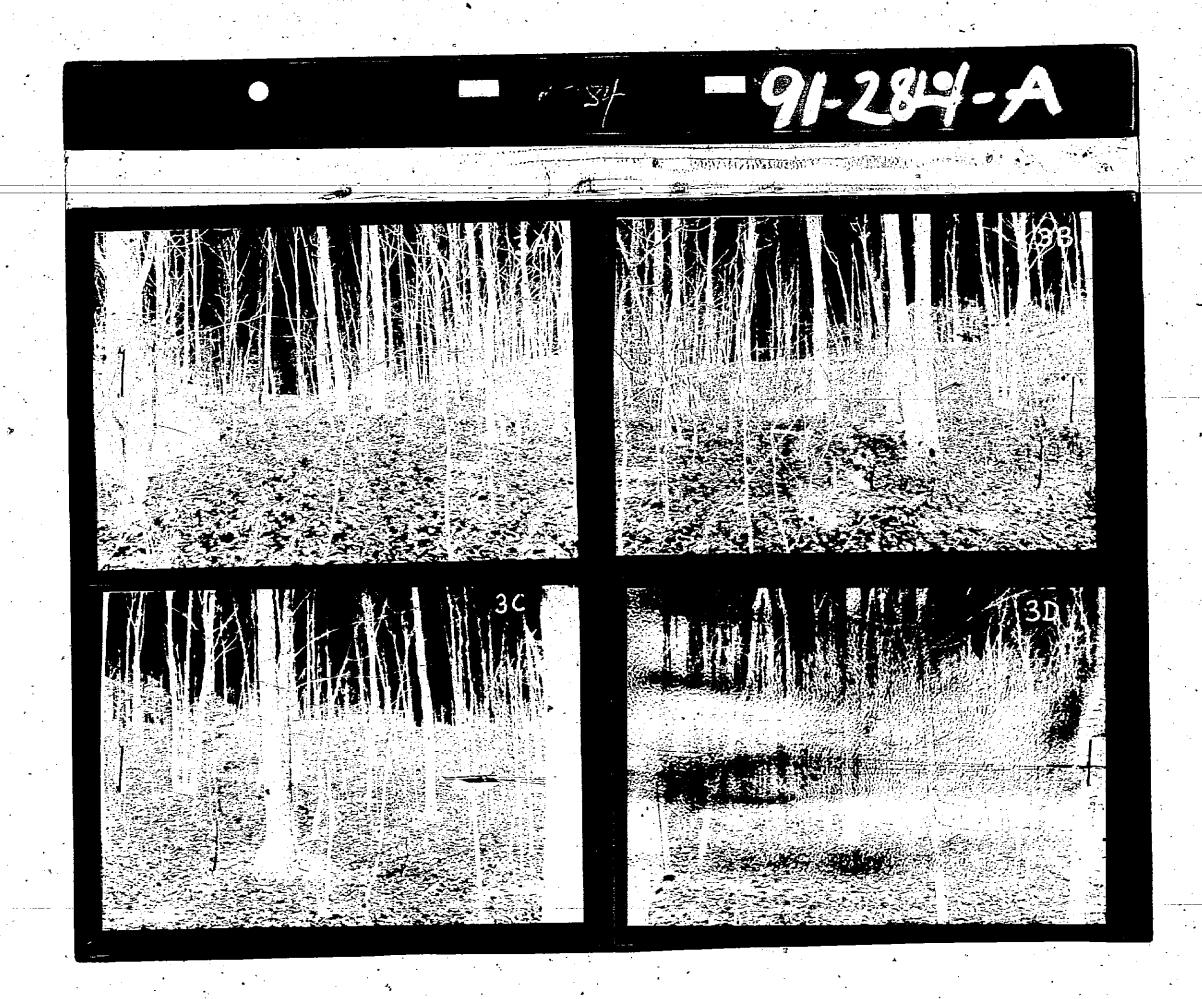


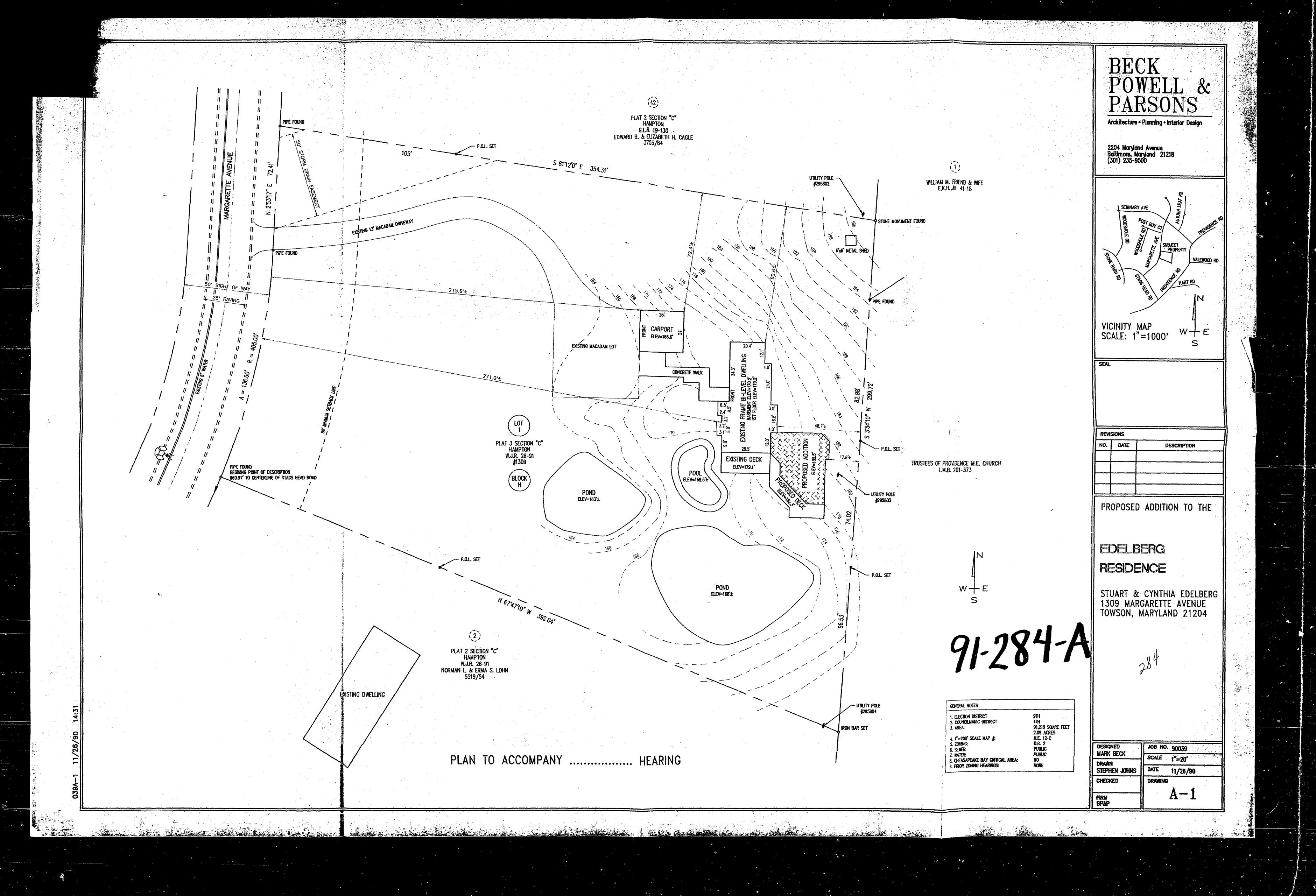
cc: Mark H. Beck

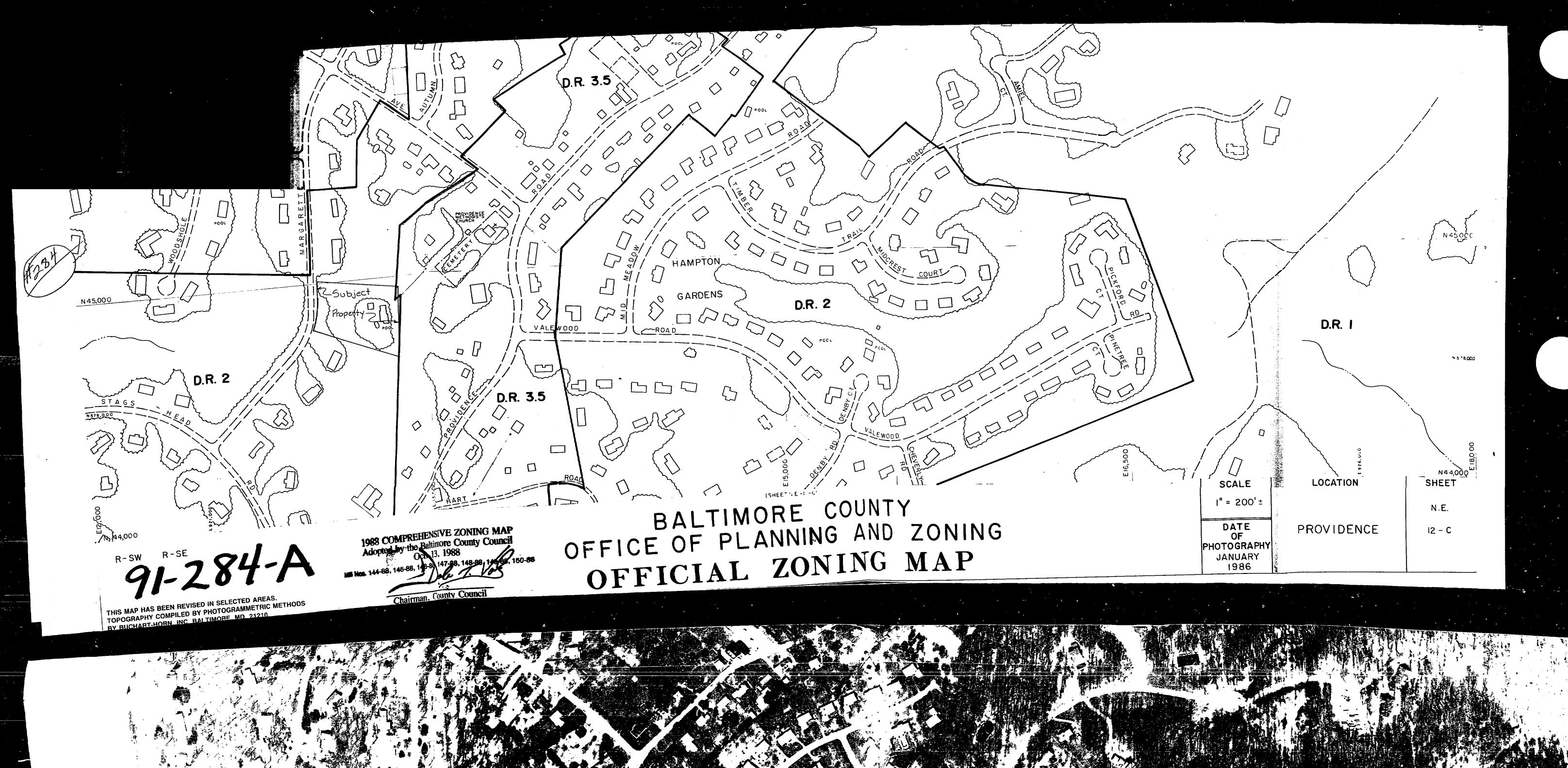














PREPARED BY AIR PHOTOGRAPHICS, INC. MARTINSBURG, W.V. 25401

JANUARY 1986